

In The United States District Court
For The Southern District Of Florida
Miami Division

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CLARENCE HADDON
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIA.

David I. Altman,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Case #: 00-6284-CR-LENARD/SIMONTON

Motion To Enforce Court Order

COMES NOW the Petitioner, David I. Altman, PRO SE, before this Honorable Court, and respectfully presents his Motion To Enforce Court Order in the above-captioned matter.

Last year, the Petitioner submitted a Motion to this Court pursuant to Fed. Rules of Crim. Proc., Rule 41(a), for return of property. Attached to this Motion is a list of property the Petitioner is seeking. The District Court granted the Petitioner's Motion For Return Of Property, and gave the Government approximately six months to gather the property together, which the Petitioner agreed was a reasonable time.

Following that six month period, the District Court then closed the matter as being "moot," because the Government was apparently complying with the Court's Order. However, the Petitioner, via this Motion, wishes to make the Court aware that the Government is not substantially in compliance with the Court's Order.

As of the date of this Motion, the Government has returned to the Petitioner five (5) floppy disks. This is out of more than 170 disks which are the Petitioner's lawful property, which do not contain illegal information or other problematic

49
RA

material.

The Petitioner has forwarded a letter to Mr. Neil Karadbil, Esq., the Assistant U.S. Attorney associated with this case, on two occasions, Once on March 2, 2005 and again in June 2005. Neither letter was answered. The list attached to this Motion is the same list which was forwarded to Mr. Karadbil. The list of floppy disks is fundamentally the same list which was compiled by the Federal Bureau of Investigations (FBI) during their inventory of the Petitioner's property.

However, the Petitioner has gone through that list and selected only those disks which he wants returned, and only those disks which he knows are his lawful property and which do not contain illegal information or disks which are not protected under copyright. The list has been broken down into six categories, which are explained at the end of the list. The purpose of these categories was to explain not only the contents of the disks (as to assuage any concerns the Government might have), but also to eliminate any confusion.

Several disks were marked by the FBI as "IPR," as being, they believed, illegal copies of copyrighted programs. However, copyright law permits a user of a program to make one backup copy of purchased software; many of the disks so marked are legitimate, permitted backup copies of software purchased by the Petitioner. Other such disks are copies of shareware / freeware which the Petitioner downloaded off the internet; this shareware / freeware, although copyrighted by the authors, is permitted to be copied innumerable times, and therefore those programs are legitimate copies and cannot be denied.

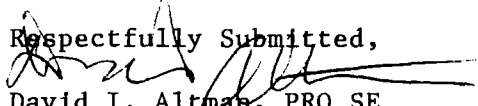
It has been more than four years since the Petitioner was convicted in this Court. The Petitioner is tired of the FBI and the Government stalling, making excuses, and otherwise working devious machinations to continue to deprive the Petitioner of his lawful property. The Petitioner is seeking only that property which is lawfully his, and which bears no connection to the crime of conviction. If the FBI or Government has a specific complaint about a specific disk, they should elaborate such, and the Petitioner will discuss same, whether by letter or through the offices of this Honorable Court.

One thing remains clear, however. The provisions of Fed. Rules of Civ. Proc., Rule 41(a) cannot be blithely ignored. This Court has Ordered that the Petitioner's property be returned. The Petitioner avers that it is high time that the Government comply with that Order.

WHEREFORE: For all the foregoing reasons, the Petitioner, David I. Altman, PRO SE, respectfully urges this Honorable Court to issue an Order consistent with the Petitioner's complaint as set forth above and in conjunction with the prior Order of the Court, and thus mandate that the Government return the Petitioner's property in a timely manner.

Following the entry of this Order, should the Government not comply with the previous Order and/or current order within twenty (20) business days, the Petitioner will have no choice but to enter civil suit against the Government for monetary damages. The Petitioner sincerely hopes that such a drastic step will not become necessary.

Respectfully Submitted,


David I. Altman, PRO SE
Reg. No. 55477-004 Durham-B
Low Security Correctional Institution
P.O. Box 999
Butner, NC 27509-0999

List Of Disks The Government Should Return

<u>Disk #</u>	<u>Code</u>	<u>Description</u>
169	NF	A Star To Steer Her By ⁶
553		Action Arcade ¹
161	IPR	Ani Cursors ³
539		Apply 2.CDR/Signature.JPG/Signature2.JPG ⁵
268	NF	ATI, Ltd. ¹
332		ATI, Ltd. Misc. Driver Disk ¹
438		Audio Clips Star Trek ²
587		Audio Clips Star Trek ²
494		Basic Club & Mouse ⁵
413	IPR	Blank Label ³
720	IPR	Blank Label ³
386	IPR	Blank Label ⁵
393		Blank Label ⁵
400		Blank Label ⁵
72		Borland QPro Advisor ²
328		Borland Visual Solutions Pack Install ²
329		Borland Visual Solutions Pack Install ²
573		Borland Visual Solutions Pack ²
722	IPR	Boulder Dash / Origicaves ²
654	NF	Boulder Dash ²
216		BTC CD Driver ¹
453		C Programming Disk ⁵
491		C++/Basic/Assembly Files ⁵
87	IPR	Calendar Creator+ ²
88	BK	Calendar Creator+ ²
223		Canon BJC-600E Disk 1 ²
222		Canon BJC-600E Disk 2 ²
221		Canon BJC-600E Disk 3 ²
220		Canon TrueType ²
351		Cheyenne Bitware ³
28	IPR	Chinese Chess ³
24	IPR	Conner HD Driver ¹
25	IPR	Conner HD Install ¹
435		Crossword Construction ²
617		David Altman ⁵
433		Disk Manager ²
645		Disk of Daily Utilities ³
33		DLI ²
554		Doom Sound Effects
480		Doom Sound Effects
42		Doom Sound Effects

Image reflects quality of original submission

List Of Disks The Government Should Return

<u>Disk #</u>	<u>Code</u>	<u>Description</u>
219		Eide Max ³
640		EMF ²
274		Encore-ESL 835 TB ³
326		Ethernet Adapter Driver ¹
48		Excel Sheet IRS Penalty Schedule ⁶
170	IPR	Files: Arton, Bridge, Dream ⁶
321		Final Project/ Simon ⁵
695		Games ³
254	NF	HDSR ⁵
520		IC Verify/DOS ³
355		Jakarta Disk 1 ²
356		Jakarta Disk 2 ²
357		Jakarta Disk 3 ²
540		Jason's Disk ⁵
316		Jaz Install ²
543		June 1, 1997/Wedding Invitations/Core DRAW 5 ⁵
273		Lan Adapter ¹
646		Lan Adapter ¹
476		Lemmings ²
541		Link's Awakening Pics 1-4 ³
499		Link's Awakening Pics ³
100	IPR	LM 1/5 ³
99	IPR	LM 2/5 ³
98	NF	LM 3/5 ³
97	IPR	LM 4/5 ³
96	IPR	LM 5/5 ³
716		Logitech Mouse ¹
565		Long Filenames ²
439		Maxtor MaxBlast Disk Manager ¹
719		Microsoft Mouse ¹
628		Misc. BMP's, Docs & Icons ⁵
210		Mitsumi CD Driver ¹
211		Mitsumi Disk Detective ³
721	IPR	Mouse Drivers / Menu Maker ³
288		MS_DOS V 6.2 ⁴
29	IPR	MS-DOS 4.01 ⁴
436		MyHouse ²
588		Netcom Netcruiser ²
12		Netware
188	IPR	Page Magic 1/5 ³
187	IPR	Page Magic 2/5
186	IPR	Page Magic 3/5 ³
185	IPR	Page Magic 4/5 ³
155	IPR	Page Magic 5/5 ³
291	UNK	Paintshop PRO v4.21 Disk 2 ³

List Of Disks The Government Should Return

<u>Disk #</u>	<u>Code</u>	<u>Description</u>
290	IPR	Paintshop PRO v4.21 Disk 3 ³
287		PC Concepts ³
218		PC ProPad6 ²
318		PC Tools ³
212		Phillips LNS Driver ¹
562		Power programming ²
493		Printer card ¹
547		Programs For You ³
350		PSI Interramp ⁵
11		PVI 486 SP3 / Supporting Diskette
434		Quicklink ²
558		Quicklink ²
560		Ray Tracing Creations ²
193	UNK	Reflection ³
34		Resume ⁶
518		Resumes ⁶
215		Reveal SC5.00 Disk 1 ²
214		Reveal SC5.00 Disk 2 ²
213		Reveal SC5.00 Disk 3 ²
336		Reveal Toolkit ²
331		Seagate Disk Manager ⁵
545		Ship Items/Morgan ⁵
643	NF	Ship Pics ⁵
443		Silpheed Disk 1 ²
700		Silpheed Disk 1 ²
632		Silpheed Disk 2 ²
701		Silpheed Disk 2 ²
702		Silpheed Disk 3 ²
703		Silpheed Disk 4 ²
272		SMC PCI Lan Adapters ¹
217		SoftRam 95 ²
456		Sound Galaxy Stellar Disk 1 ²
455		Sound Galaxy Stellar Disk2 ²
337		SoundBlaster 16 ¹
338		SoundBlaster 16 ¹
561		SQL Win Solo ²
571		SQL Win Solo ²
595		SQL Windows Solo Disk 3 ²
596		SQL Windows Solo Disk 4 ²
600		SQL Windows Solo Disk 9 ²
445		SQL Windows Solo Disk 5 ²
446		SQL Windows Solo Disk 6 ²
444		SQL Windows Solo Disk 7 ²
447		SQL Windows Solo Disk 8 ²
319		Star Trek Font Pack ²

List Of Disks The Government Should Return

<u>Disk #</u>	<u>Code</u>	<u>Description</u>
320		Star Trek Font Pack ²
635		Star Trek ²
715		Star Trek ²
727		Star Trek ²
324		Star Trek ⁵
423		Stardate ²
566		Stardate ²
552		Stationary Store Disk 1 ²
551		Stationary Store Disk 2 ²
431		Street Fighter ²
538		TC Files/Basic Files ⁵
371		Text Assist ³
250		Unable to understand writing ⁵
627		Utilities Disk ³
711		VGA TTL Disk Utilities ¹
370		Voice Assist ³
429		Wedding Workshops ²
191	IPR	Whereabouts Deluxe Disk 1 ³
190	IPR	Whereabouts Deluxe Disk 2 ³
189	IPR	Whereabouts Deluxe Disk 3 ³
458		Win 3.1. Drivers HP LaserJet Disk 1 ²
647		Win Truetype Fonts Disk ³
164	IPR	Winprobe1/1 ³
109	IPR	Wired for Sound/Win Disk 1 ³
108	IPR	Wired for Sound/Win Disk 2 ³
107	IPR	Wired for Sound/Win Disk 3 ³
106	IPR	Wired for Sound/Win Disk 4 ³
255		Word Files/Games ⁵
260		Work Startup
542		Zoomer ³

¹ Other software – most of this was personally created by me.

² Software that was purchased.

³ Driver Disk.

⁴ Word / Excel Files I created.

⁵ Freeware / Shareware (downloaded or purchased).

⁶ Operating System disk.

Any items marked "IPR" are either legitimate backups of software I've purchased, downloaded (shareware / freeware) off the internet, or other legitimately owned software, which cannot be withheld.

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Certificate Of Service

I, David I. Altman, PRO SE, the Petitioner herein, hereby certify that on this 26 day of July, 2005, a true and correct copy of the foregoing Motion To Enforce Court Order was delivered to Prison Authorities for mailing to the parties below, by placing same in an envelope with first-class postage prepaid affixed thereto, and addressing to:

United States District Court
301 N. Miami Ave.
Miami, FL 33128

Assistant U.S. Attorney
Neil Karadbil, Esq.
500 E. Broward Blvd., Ste. 700
Ft. Lauderdale, FL 33401

I swear under penalty of perjury that the foregoing is true and correct.
Executed this 26 day of July, 2005.

Respectfully Submitted,

David I. Altman, PRO SE
Reg. No. 55477-004 Durham-B
Low Security Correctional Institution
P.O. Box 999
Butner, NC 27509-0999